

Amendment 3 to DOC52PAPT0401003

The purpose of Amendment 3 is to amend the solicitation to incorporate questions submitted by interested parties and answers provided by the U.S. Patent and Trademark Office (USPTO). These questions were received by the USPTO after the tour held on January 6, 2004.

1. Will the contractor, who is awarded the contract, have to interface with the other contractors within the repository to perform their duties?

Answer: No. However the other contractor may request boxes for re-scanning the same way as any other customer. Those requested boxes would then be delivered to the re-scanning area within the repository.

2. Is there an overlap of responsibilities among contractors?

Answer: No.

3. Is there a backlog of filing? Noticed boxes on top of the file shelves.

Answer: There is no backlog. The boxes seen were jumbo files (files too large for a file wrapper) that are unable to fit in the shelves. There is a place card in the appropriate shelf location to direct the file clerk to the top of the shelf where they are stored.

4. Where are the IFW boxes picked up?

Answer: Pick up of the IFW boxes are at the two scanning operations in Crystal City, Arlington, VA. Their locations are Crystal Plaza 6 in the lobby and Crystal Plaza 2 on the 7th floor.

5. Are the IFW boxes in sequential order?

Answer: No

6. Does the contractor pick up these boxes or does another contractor deliver them to the repository?

Answer: The contractor who is awarded the contract is responsible for the pick up of boxes.

7. Can a list of tour participants that attended the January 6th site visit be issued (including members of all government personnel)?

Answer: The list was posted on our website on Thursday, January 8, 2004.

8. Can files be ordered online by public users or only through the File Information Unit?

Answer: There is no way for the public to order files online. However, the FIU can order files for people out of town and hold them for a set time to enable the requestor time to travel to the FIU to review the file.

9. What stage does a file get bar coded?
Answer: Files get bar coded shortly after arrival at the USPTO.
10. How many vehicles are in use under the current contract?
Answer: Three vehicles are in use for the current contract.
11. Does the USPTO require safety shoes?
Answer: The USPTO does not require contractors to wear safety shoes. However, the contractor can require their employees to wear any safety equipment if they feel it is necessary.
12. How is the USPTO going to handle IFW and Artifacts?
Answer: Orders for artifacts and IFW boxes are handled just as orders for file wrappers.
13. Are any unions involved in this requirement?
Answer: No.
14. What is the size standard?
Answer: The answer is in Block 10 of the Standard Form 1449 posted on our website.
15. How did the USPTO become interested in JWOD? What prompted the request to consider a JWOD contractor as a subcontractor?
Answer: The USPTO has had success as using JWOD Organizations as subcontractors, for similar requirements, in the past and felt that they could be successful as a subcontractor on this requirement.
16. Is entire requirement served by one contractor?
Answer: One contractor presently provides this service, but it was initially awarded as a prime with a subcontractor.
17. Is there a likelihood that records portion of services will grow rather than shrink?
Answer: The workloads of this requirement will fluctuate. However, there will be a gradual growth in the records held in the repository.
18. Will awardee need to use only proprietary systems?
Answer: Yes. There are proprietary systems which will be provided by the USPTO. Training of the systems will be provided to the contractor who is awarded this contract.
19. Are operating process well established, documented and current, accurate, and complete?
Answer: There are no Standard Operation Procedures (SOP) to reference but training on equipment will be provided to the new contractor.

20. Are repository and its restrooms, etc., handicapped accessible? Specifically accessible to wheelchairs and blind? I saw no ramp in and out of the USPTO area.

Answer: Yes, there is a wheelchair accessible ramp into the repository and the facility does have handicapped accessible restrooms.

21. Section H.5 gives right of first refusal to incumbent's employees. We prefer to recruit and hire our own supervisors, key personnel and managers. How far up the chain does right of first refusal go?

Answer: This clause is for non-supervisory personnel.

22. Locations of the deliveries/pick-ups could those be defined on a map? (40 plus locations were mentioned)

Answer: Due to the USPTO move to Carlyle and various offices shifting locations, we are unable to post a map that will be current on the day the new contract begins. Once the contract is awarded, these locations will be provided to the contractor.

23. Could you please verify if all of the "40 plus locations" have to be served on (1) a daily basis, (2) a scheduled rotation or (3) an as-needed basis?

Answer: In actuality, there are closer to 60 pick-up and delivery locations and with the exception of the Federal Records Center, which receives once a day service, all must be serviced on a twice daily basis, with the File Information Unit receiving five daily deliveries and the Trademark Search Library receiving four daily deliveries

24. *Ref. CLIN 0001- 0005 for Base Year and All Option Years*; Is there an Equitable Adjustment Clause to adjust contract price in the event that the workload varies from its current estimate?

Answer: The USPTO has provided our best estimates and do not anticipate that there will be a need for an equitable adjustment in the contract price. If necessary, referenced in Clause 52.212-4 Contract Terms and Conditions—Commercial Items, changes and disputes are addressed.

25. *Ref. Section J.1*; I could not find Attachment J.1 on the web-site. Please post it or otherwise provide a list of GFE associated with this contract.

Answer: Section J.1 is the last page (page 62) of the Request for Proposal.

26. *Ref. C.2.1 and F.5.2*; C.2.1 says that the Government provides boxes. F.5.2 says that the Monthly Status Report includes equipment and supply requests. Since this is a Firm Fixed Price contract, we would normally expect to provide all supplies. Please clarify what supplies the Government provides.

Answer: The Government provides all office supplies and boxes.

27. *Ref. F.5.1*; Where is the COTR actually located?*C.2.1* Does the Government provide GFE with which to print bar code labels?

Answer: The COTR is located in the File Information Unit (FIU) in Crystal Plaza 3, 1st Floor, Arlington, VA. The Government provides all bar code labels.

28. *Ref. L.6.A.2*; The list of previous contracts might be somewhat lengthy, especially if an offeror forms a contract team with a larger company. Must a subcontractor list all its contracts since 1998 and must a subcontractor submit the required financial statements?

Answer: No to both questions. However, the subcontractor is required to provide two past performance references as stated in Section L.6.B.

29. *Ref. L.6.A.4*; Please clarify what you wish offerors to discuss concerning “resources.”

Answer: Examples would be (this list is not all inclusive); number of employees, number of trucks/vehicles in contractor’s fleet, and other items that would assist in the performance of this requirement.

30. *Ref C.1.0*; The last paragraph of this section discusses delivery and pick-up service. It is unclear whether the delivery and pick-up service is between the repository (and FRC) and the program offices in Crystal City and Carlyle or whether it also includes the requirement to transfer files from building-to-building within the Crystal City and Carlyle campuses. Further, how many drop-off points there are in the Crystal City and Carlyle campuses. Specifically, does the contractor drop off at each Program Office or at a smaller number of mailrooms or distribution centers? Please clarify.

Answer: There are approximately 60 pick-up and delivery locations throughout the Crystal City and Carlyle campuses. With the exception of the Federal Records Center (FRC), which receives once a day service, the contractor is required to make twice daily pick-ups/deliveries at all locations. Additionally, two of the approximately 60 locations service requests made by members of the public. Specifically, the File Information Unit must be serviced five times daily and the Trademark Search Library must receive four daily deliveries. All file pick-up and deliveries are made to and from the repository, the FRC, and program offices in Crystal City and Carlyle. The contractor is not required to delivery files from building to building.

31. *Ref. C.2.6*; This section state that approximately 250 trademark-related and 10,000 patent items will need to be placed in files each month, but it doesn’t state how many actual files are involved. It obviously takes much longer to place one sheet of paper in 10,000 files than it does to place 10,000 sheets of paper in one file. We realize that the number of miscellaneous paper is an estimate. Please also estimate the number of files involved.

Answer: Estimates based on one piece of paper inserted to one file.

32. *Ref. C.2.9*; This section says that approximately 2,500 files will be received at the FIU and 2,500 will be shipped from the FIU each week. Section C.2.2 also describes numbers of files requests received at the repository each week. Are the numbers listed in Section C.2.9 (FIU) included in the number of file requests listed in Section C.2.2 or are they in addition to the number of file requests listed in Section C.2.2?

Answer: Yes, the number of files listed in Section C.2.9 are included in Section C.2.2.

33. RFP spells out 1999 through 8-2003; current RFP?

Answer: Please verify that you are referencing DOC52PAPT0401003. Those dates (1999 through 8-2003) are for the current contract that is ending.

34. C.1.0: File destruction: what type allowed? Outsourcing allowed?

Answer: The actual file destruction is completed by another contractor. The landlord of the repository space (GSA) provides this contractor for tenants use. The contractor that is awarded this contract will place files to be destroyed into large bins provided by the file destruction contractor.

35. What is the definition of "files wrappers"

Answer: File wrappers are the folder that holds the complete patent/trademark application.

36. What are "base services"

Answer: The base service is listed in Section C.1.0 General of the Request for Proposal.

37. C.2.0 Smallest and largest size "specimens" have been known? Especially any microscopic or oversized (larger than a one-cube box) items

Answer: The smallest specimens are placed in standard size pocket folders while larger specimens are placed in boxes. Specimens will have already been placed in either of these two containers for the contractor to file.

38. Examples of current Receipt documentation, if used.

Answer: If the question is referring to the delivery of requested files to ordering locations, the repository contractor maintains logs reflecting the time the file(s) were delivered, the quantity of files picked up and delivered, and a signature of the individual receiving the requested files.

39. Current database used? Who owns?

Answer: The databases used to order and track files (Patent Locating and Monitoring – PALM and Trademark Locating and Monitoring - TRAM) are unique to the USPTO.

40. What if files in one box are of different type? Re-box (c.2.1)
Answer: Files in damaged boxes are placed into new boxes provided by the Government. The files should already be the same type.
41. Example of current bar code labels. What information is included on these bar codes? Where does this information come from? Where is it stored?
Answer: The bar code label applied to file wrappers contains the serial number assigned to the patent or trademark application and is stored in the PALM and TRAM databases.
42. Can additional bar code labels be applied to the boxes? (ok if "no" or "yes" -- just different processing required)
Answer: No.
43. C.2.3 See examples of PALM and TRAM systems; are these proprietary? Database? System? Get output from these systems Access to these systems? Cost for such access?
Answer: The PALM and TRAM systems, referenced in Section C.2.2, are USPTO proprietary systems that are made available to the contractor at no cost.
44. If file cannot be located, what is the timeframe in which to notify requester?
Answer: Approximately 8 work hours.
45. C.2.4 How to notify requester that file is in FRC? Time frame for such notification?
Answer: The USPTO maintains lists that provide requestors with information relating to the location of files. The location of files is also captured in the PALM/TRAM systems. As such, when an individual orders a file that is located in the FRC, he/she knows that in advance of ordering.
46. C.2.7 Are the pertinent papers and specimens currently defined? When can we see these definitions?
Answer: There is no USPTO unique definition for "pertinent papers." "Specimens" are samples (e.g., t-shirt, coffee cup, etc.) submitted by trademark applicants.
47. C.2.8 Destruction of files: what restrictions (use of subcontractor?) what about destroying specimens? Any hazardous material to be destroyed?
Answer: The physical destruction of the files, referenced in Section C.2.7, is done by a separate contractor provided by the landlord of the repository. No specimens or hazardous materials are destroyed.

48. C.2.9 Example of type of inventory requested for retiring files timeframe?
Answer: The inventory referenced in Section C.2.8 is to update the file location system to show that the files have been removed from the repository to the Federal Records Center in Suitland, MD. Each box that is sent should have a list of each file that is contained within that box.
49. C.2.10 How do File Information Unit files differ from other files? Examples? Why is this a separate item?
Answer: The files referenced in Section C.2.9 are the same as any other file. This is separated to show the high volume of file requests and deliveries that come from the FIU.
50. C.2.11 What are the current FMRSS quality controls?
Answer: The quality controls referenced in Section C.2.10 can be obtained following the procedures of the Freedom of Information Act (FOIA) if they are considered not proprietary to the current contractor.
51. F.5.2 Example of current status report F.5.3 example of current damage report?
Answer: There is no required format to either of these reports. Once the contract has been awarded, the COTR and Project Manager will meet to discuss what will be required on each report and if a certain format is acceptable or not.
52. Time frame to transition from previous vendor. Project award date is scheduled for 2/10/04, what is target for new contractor to start work.
Answer: The period of performance is to begin on February 10, 2004. It is anticipated that the contract will be awarded the prior week.
53. Has the previous vendor outgrown the "small business" designation and that is the reason for a new vendor
Answer: As far as the USPTO knows, the incumbent contractor is still a small business and the reason for a new contract is that the last option period has been exercised.
54. Average size and makeup of a "file" (number of pages and number/size of specimens)
Answer: There is really no average size to patent or trademark files. Trademark files are typically smaller than their patent counterparts and are usually less than 100 pages. Patent files can contain anywhere from several hundred to several thousand pages.
55. Security requirements?
Answer: All contractor employees will have to fill out the appropriate forms from the USPTO Security Office in order to obtain a USPTO Contractor's badge. During this time, the Security Office will do background checks on all individuals under this contract.

56. Number of employees current contractor has on project today and job positions.
Answer: The incumbent contract staff is comprised of approximately 50 employees. The job positions can be obtained following the procedures of the Freedom of Information Act (FOIA) if they are considered not proprietary to the current contractor.
57. Number of employees current contractor had on project at inception of project (and job positions)
Answer: The number of employees at the inception of the project can be obtained following the procedures of the Freedom of Information Act (FOIA) if they are considered not proprietary to the current contractor..
58. Current contractor has 3 vehicles transporting documents. What size trucks and/or vans? Do these drivers perform that job function 100% of the day? Will an additional vehicle(s) be needed with the addition of the new Carlyle headquarters in Alexandria? How many trips daily are currently done?
Answer: There are two cargo vans and one 16' medium size truck currently in use. The majority of the work done by the drivers is the delivery of files. Although deliveries to the Carlyle campus have not yet started, once they do, the acquisition of an additional vehicle is not expected.
59. Who is the current primary contractor and the current sub-contractor(s) on the second project you described that involves document scanning in Crystal City and box storage in Springfield? When is that project up for renewal again?
Answer: Since that information is not part of the RFP, answers could probably be obtained through the Office of Procurement's Small Business Liaison Officer.
60. Will there continue to be extensive file storage also in Crystal City or will the majority of these files be transferred out to Springfield, or Carlyle?
Answer: All files are to be stored in the repository in Springfield, VA or the Federal Records Center in Suitland, MD.
61. Are there any penalties/ramifications for failing to achieve the 8 working hours, or next business day, turnaround timeframe?
Answer: If the failure is due to the contractor's performance (and not due to system problems and extreme weather conditions), the CO and COTR will meet with the management staff of the contractor to find a remedy to meet the required timeframe.
62. Current Springfield repository is 280,000 sq. ft. with 8 million files. Do you have projections (during the project tenure) of anticipated file or facility space growth?
Answer: Yes.

63. Please confirm our understanding that for CLIN 0007, schedule B, that the bidder should provide only a material handling rate given that there is no basis for estimating the materials that may be needed for CLIN 0006.

Answer: The USPTO hereby removes CLIN 0007 (from page 3), CLIN 1007 (from page 4), CLIN 2007 (from page 5), and CLIN 3007 (from page 6) all titled Material Handling Fee. If any materials are needed during special projects, the USPTO will obtain these resources for the contractor.

64. Section B.1, Page 3: What are the materials associated with CLINS 6 & 7? Can the Government provide a baseline amount for material costs or offerors only propose associated material handling fee rates on the basis of the material costs being undefined?

Answer: Please see answer to Question 63.

65. We understand that the USPTO is committed to supporting the JWOD program, which provides rehabilitation services and employment opportunities for disabled individuals. After meeting with a JWOD non-profit agency, we have been presented with several options to achieve the USPTO's socio-economic goals:

- 1) break-out and subcontract contract requirements to a JWOD agency,
- 2) subcontract disabled personnel through a JWOD agency,
- 3) directly hire disabled individuals and subcontract rehabilitation and training services to a JWOD agency.

Are all three types of teaming arrangements with a JWOD agency acceptable to the USPTO in terms of being a key discriminator during proposal evaluation?

Answer: The acceptable option, to the USPTO, is to break out and subcontract contract requirements to a JWOD agency.

66. In Section L.6.A3, it states, "The offeror shall provide financial statements for year end 1999 to present, certified by independent auditors in accordance with the generally accepted accounting principles and auditing standards." I am a CPA, yet find this statement very vague. What does "certified" explicitly mean? Are you asking for audited financial statements with an opinion from an outside auditing firm? Would tax returns, prepared by an outside accountant suffice? If you would accept internally prepared financial statements, certified by our CFO, which statements do you require (i.e., balance sheet, income statement...)?

Answer: Please see Amendment 2 of this solicitation removing this requirement.